

STATE CAPITOL BUILDINGS GROUP BUILDINGS AND GROUNDS REGULATIONS

Statement of Basis, Purpose and Authority

The purpose of these rules is to establish standards for acceptance, processing, review and disposition of permit applications for demonstrations and special events on the State Capitol Buildings Group Grounds. Statutory authority exists in Colo. Rev. Stat. 24-30-102(2)(a), Colo. Rev. Stat. 24-82-101 and 24-82-105.

[note that the above statement this is not part of the rules themselves]

1.0 Definitions

1.1 “Capitol Grounds” refers to one of the following areas of the Colorado State Capitol grounds boarded by Grant Street, 13th, Lincoln and Colfax that are permitted for a demonstration or special event: West Capitol Steps, Pearl Harbor Memorial, Closing ERA Memorial, Armenian Garden, U.S.S. Colorado Memorial, Civil War Statue, and Sand Creek Plaque.

1.2 “Commercial enterprise” means any activity that may be considered or reasonably interpreted as being for the advertisement, promotion, sale or transfer of products or services for the participation in a commercial venture of any kind.

1.3 “Conditions” refers to but is not limited to grounds projects, weather, and hours appropriate state personnel are available.

1.4 "Demonstration" includes picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual use by visitors or tourists, which does not have an intent or propensity to attract a crowd or onlookers.

1.5 “Demonstration Marshal” refers to those persons within the group or organization planning a demonstration or special event who are responsible for keeping order of their group, including making sure that traffic is still able to flow through the Capitol Circle during the event, and for post-event cleanup.

1.6 "Executive Director" means the Executive Director of the Colorado Department of Personnel & Administration or his designee.

1.7 “Limitation” refers to, but is not limited to, size of group, fully enclosed.

1.8 “Lincoln Park Site” refers to the location of Lincoln Park with boundaries of: Lincoln Ave., Broadway Street, Colfax Ave. and 14th Street. This site can accommodate only one group per event.

1.9 "Requirements" refers to public safety or state business.

1.10 "Solicitation" means any request or demand for monetary contributions or the sale of expressive materials, such as bumper stickers or buttons.

1.11 "Special event" includes sports events, pageants, celebrations, historical reenactments, entertainments, exhibitions, parades, fairs, festivals and similar events which are not demonstrations defined in this section, but are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual use by visitors or tourists, which does not have an intent or propensity to attract a crowd or onlookers.

1.12 "State Capitol Buildings Group Grounds" means that area encompassing those state-owned buildings together with the state-owned grounds adjacent thereto, in the City and County of Denver within the area bounded on the north by Sixteenth Avenue, on the west by Broadway, on the south by Eleventh Avenue, and on the east by Grant Street, as shown on the official maps of the City and County of Denver.

2.0 Capitol Grounds

2.1 Permits will only be approved and issued for one demonstration or special event on the Capitol Grounds at a time. The locations available for permitting are the West Capitol Steps, Pearl Harbor Memorial, Closing ERA Memorial, Armenian Garden, U.S.S. Colorado Memorial, Civil War Statue, and Sand Creek Plaque.

2.2 Permitted demonstrations and special events are allowed solicitation related to the demonstration or special event on grassy areas only within a one hundred (100) feet external radius of the site defined by their permit. No other solicitation is allowed on the Capitol Grounds, including on the steps of the Capitol or the driveway around the Capitol.

2.3 Permitted demonstrations and special events are allowed commercial enterprise related to the demonstration or special event on grassy areas only within one hundred (100) feet radius of the site defined by their permit. No other commercial enterprise is allowed on the Capitol Grounds, including on the steps of the Capitol or the driveway around the Capitol.

2.4 Permitted demonstrations and special events on the West Capitol Steps must provide 10 feet of undisturbed space at the west entrance to allow ingress and egress.

2.5 Camping is not allowed.

2.6 Nothing shall be attached to State property including but not limited to rope, tape, stakes and people.

2.7 Candles and/or incendiary devices may not be used.

3.0 Lincoln Park

- 3.1 Solicitation is allowed.
- 3.2 Commercial enterprise is allowed.
- 3.3 Camping is not allowed.
- 3.4 Nothing shall be attached to State property including but not limited to rope, tape, stakes and people.
- 3.5 Candles and/or incendiary devices may not be used.
- 3.6 Demonstrations or special events consisting of more than 25 participants may apply for permits to use portions of Lincoln Park exclusively. Permits will only be approved and issued for one demonstration or special event at Lincoln Park at a time.

4.0 State Building and Grounds (Excluding Capitol Grounds and Lincoln Park)

- 4.1 Solicitation and commercial enterprise generally are not allowed in the buildings or on building grounds.
- 4.2 Limited solicitation or commercial enterprise may be allowed when in conjunction with Department of Human Services Business Enterprise activities pursuant to Colo. Rev. Stat. 26-8.2 or when the head of a principal agency occupying a building as an approved tenant approves in writing the activity and takes full responsibility for the activity.

5.0 Permit Applications

- 5.1 Demonstrations and Special Events. Demonstrations and special events may be conducted on the Capitol Grounds and at Lincoln Park only with a permit issued by the Executive Director of the Department of Personnel & Administration.
- 5.2 Permit applications for use of the State Capitol Buildings Group Complex may be obtained from the Division of Central Services located at 225 E. 16th Ave. Suite 800 Denver, Colorado 80203. Applications will not be accepted more than 180 days before the proposed demonstration or special event is scheduled to occur. Applicants shall submit legible and complete permit applications in writing on a form provided by the Executive Director so as to be received by the Executive Director at least thirty (30) days in advance of any demonstration or special event.
- 5.3 A waiver to the 30 day notice for demonstrations shall only be considered when and only when: (a) the applicant can demonstrate the impossibility of applying for a permit within the time limitations set out in this paragraph; (b) a permit is applied for before the demonstration begins; and

(c) the Executive Director determines that all relevant and appropriate conditions, limitations and requirements are or will be met, and issues a permit for the demonstration.

5.4 Permit applications for demonstrations and special events on the Capitol Grounds or Lincoln Park will be processed by the Executive Director in order of receipt. The use of a particular area will be allocated in order of receipt of fully executed applications, subject to the limitations set forth in this section, provided, however, that regularly occurring State Events including Inauguration, State of the State, First Day of Legislative Session and Last Day of Legislative Session shall have priority use of the Capitol Grounds.

5.5 The Executive Director will approve or deny an application for a demonstration or special event within twenty (20) days of receipt of a legible and complete application.

6.0 Permit Denials A permit may be denied in writing by the Executive Director upon the following grounds:

6.1 The Executive Director determines that the permit application is incomplete or the information submitted in the application is false or misleading.

6.2 A fully-executed prior application for a demonstration or special event for the same time and place has been received, and a permit has been or will be granted authorizing demonstration or special event activities; in that event, an alternative date, if available for the demonstration or special event, will be proposed by the Executive Director to the applicant.

6.3 It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health through a substantial and imminent threat of violence or destruction of property.

6.4 The proposed demonstration or special event is of such a size, nature or duration that it cannot reasonably be accommodated in the particular area applied for or during the particular time applied for (such as morning rush hours from 7:00 a.m. to 9:00 a.m. on weekdays and evening rush hour from 4:00 p.m. to 6:00 p.m. on weekdays). In that event, the Executive Director shall propose an alternate time to the applicant, if available for the activity, reasonably taking into account possible damage to the area, including trees, shrubbery, other plantings, installations and statues.

6.5 The proposed special event cannot be permitted within a reasonable budgetary allocation of State funds considering the event's public appeal, and the anticipated participation of the general public therein.

6.6 The event is scheduled and the level of security is heightened as declared by the Governor or the Office of Homeland Security.

6.7 The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.

7.0 General Restrictions

7.1 All permitted demonstration and special event activities shall be conducted at the permitted location on the Capitol Grounds or Lincoln Park. No persons shall enter State buildings unless otherwise authorized to do so.

7.2 Demonstration or special event activities shall not result in damage to or destruction of state property, including, but not limited to, buildings, statues, fixtures and lawns.

7.3 Demonstration or special event activities shall not impede or block entrances to public buildings or vehicle or pedestrian traffic into or around those buildings or through the State Capitol Buildings Group Grounds, unless prior authorization to do so has been granted by the Executive Director or the ranking police supervisory official in charge of an event.

7.4 It is the responsibility of the group or organization to select Demonstration Marshals and inform them of necessary information regarding their event. Demonstration Marshals must have identification provided by the event coordinator identifying them as Demonstration Marshals. It is not the Demonstration Marshals' responsibility to conduct law enforcement duties. It is, however, their responsibility to know who and when to contact regarding law enforcement.

7.5 Reasonable sound systems are allowed on the State Capitol Buildings Group Grounds unless the Executive Director finds that the systems will unreasonably interfere with other lawful activities occurring in the same area.

7.6 The Executive Director may impose any other reasonable time, place, and manner restrictions he deems necessary for the protection and convenience of the State and the public.

8.0 Permit Revocation

8.1 A permit issued for a demonstration or special event on the State Capitol Buildings Group Grounds is revocable if the permittee, participants, or spectators violate these regulations or the laws of the U.S. or State of Colorado. Any such revocation, prior to the conduct of the demonstration or special event shall be in writing, and shall be approved by the Executive Director.

8.2 During the conduct of a demonstration or special event, the ranking police supervisory official in charge may revoke a permit if continuation of the event presents a clear and present danger to the public safety, good order, or health, or for any violation of applicable law or regulation.

9.0 Cancellations

The Division of Central Services must be notified 24 hours in advance of any cancellation of a permit. If this notification is not provided, the permittee will be denied future permits.

10. Appeals

All appeals and hearings which are required by law regarding denial, suspension, revocation, limitation, or modification of a permit shall be requested, provided, and conducted in accordance with the requirements of § 24-4-104-106 of the Administrative Procedures Act (APA), §§ 24-4-101, et. seq., C.R.S.